

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 02-1666V  
Filed: February 14, 2007  
Unpublished**

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BEN RADECKY,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorney Fees and Costs

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**DECISION AWARDING ATTORNEY FEES AND COSTS<sup>1</sup>**

**Denise K. Vowell**, Special Master:

On January 16, 2007, petitioner's counsel, David Terzian, filed a petition for attorney fees and costs. Upon review of the petition, respondent expressed certain objections to the petition. On February 2, 2007, petitioner's counsel filed a status report requesting a reduced amount of fees and costs. Petitioner's counsel requested \$722.40 for the petitioner, \$10,000.00 for David Terzian of Rawls & McNelis, P.C., and \$8224.52 for Clifford Shoemaker of Shoemaker & Associates. The status report noted that respondent had no objections to the amount of fees and costs requested therein.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable and appropriate. Accordingly, I hereby award the total of \$18,946.92<sup>2</sup> broken down as follows:

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<sup>1</sup> Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

<sup>2</sup> This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents and attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally, Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

- a lump sum of \$10,000.00, in the form of a check payable jointly to petitioner and petitioner's counsel, David Terzian, for petitioner's attorney fees and costs.
- a lump sum of \$8,224.52, in the form of a check payable jointly to petitioner and petitioner's former counsel, Clifford Shoemaker, for petitioner's attorney fees and costs.
- a lump sum of \$722.40, in the form of a check payable to the petitioner, for his own litigation costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED.**

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**s/ Denise K. Vowell**

Denise K. Vowell  
Special Master

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<sup>3</sup> Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. *See* Vaccine Rule 11(a).